IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.477 OF 2006
IN
NOTICE OF MTOION NO.1471 OF 2006
IN
SUIT NO.1227 OF 2006

Kantibhai Shah ..Appellant/
(Orig.Plaintiff)

Vs.

Sun Constructions
& Ors. ..Respondents/
(Orig. Defendants)

Mr.Sakhardande i/b.Mrs.S.S.Wagh for the Appellant.

Mr.H.Toor with Mr.Rajmani Verma i/b.Mr.Navdeep Vora for Respondent Nos.1 to 5.

CORAM: DR.S.RADHAKRISHNAN AND S.J.VAZIFDAR, JJ.

DATED: 25TH JULY, 2006

P.C. :

Heard the learned counsel for the Appellant and the learned counsel for the Respondents.

2. By this Appeal, the Appellant is challenging the order dated 4.5.2006 whereby the learned Single Judge has declined to grant any ad-interim relief in Notice of Motion No.1471 of 2006.

3. During the hearing of this Appeal, the learned counsel appearing for the Respondents produced a

conveyance deed dated 26.4.2005. The said conveyance deed indicates that there are two suits pending with regard to the aforesaid land, being Suit No.64 of 1993, filed by one *P.K.Velu & Company v. Mrs.Talyar Khan & Ors.* and L.C. Suit No.2188 of 1992 filed by *Kantibhai Shah & Ors. v. Municipal Corporation of Greater Mumbai* in the Bombay City Civil Court.

4. These facts have not been disclosed. The Respondents be granted three weeks time to file an appropriate reply before the learned Single Judge, in the aforesaid Notice of Motion. After the said affidavit in reply is filed and the copy whereof is furnished to the Appellant, the Appellant shall be at liberty to make a fresh application for ad-interim relief.

5. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)